



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/477,131 01/03/00 MUSIOL

L GR-97-P-1865

LERNER AND GREENBERG P A  
POST OFFICE BOX 2480  
HOLLYWOOD FL 33022-2480

MMC1/0731

EXAMINER

L.E.D

ART UNIT

PAPER NUMBER

2816

DATE MAILED:

07/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/477,131

Applicant(s)  
MUSIOL et al.

Examiner  
First Last

Art Unit  
1234



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 20, 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2816

## **FINAL REJECTION**

### ***Response to Applicant's Amendment***

#### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Jou (US Pat. 5,625,894) in view of Naimpally et al. (US Pat. 4,207,590).

Figure 4 of the Jou reference discloses a filter circuit comprising an inductor coupled between a node (445) and a node (420), a first parallel LC coupled between a node (435) and the node (455), a first capacitor coupled between a node (410) and the node (435), a second capacitor coupled between the node (455) and the node (445), a second parallel LC (465) coupled to the node (455) and a third parallel LC (45) coupled to the node (445) but does not disclose that each of the second parallel LC and the third parallel LC includes a series capacitor as called for in the claims. Figure 2 of Naimpally et al teaches a filter (275) comprising a series capacitor (225) coupled to a parallel LC (223, 224) for attenuating harmonic frequencies, see

Art Unit: 2816

column 5, lines 45-50. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the series capacitor taught by Naimpally et al in the circuit of Jou for the purpose of attenuating harmonic frequencies.

Claims 5-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Takayama (US Pat. 5,483,209) in view of Jou (US Pat. 5,625,894) and Naimpally et al. (US Pat. 4,207,590).

Figure 1 of Takayama discloses a filter circuit with all of the limitations of the claimed invention but does not disclose the detailed structure of the filter as called for in the claims. Figure 4 of Jou in view of Naimpally teaches a bandpass filter for attenuating harmonic frequencies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the modified bandpass filter taught by Jou in view of Naimpally et al in the circuit of Takayama for the purpose of attenuating harmonic frequencies.

### ***Response to Applicant's Arguments***

Applicant argues that Naimpally et al suggests placing a capacitor in series with one of the parallel LC elements. The argument is not persuasive because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of

Art Unit: 2816

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Naimpally et al suggests connecting a capacitor (225) in series with a parallel LC (223, 224) for attenuating harmonic frequencies. Note that employing the capacitor taught by Naimpally in the circuit of Zou would not destroy the Zou's circuit because the filter is formed of resonant circuits which provide "poles" and "zeros" for the filter. The series of a capacitor and a LC is a combination of a series and parallel resonant circuit so that it does not destroy the filter circuit of Zou.

The applicant argues that one skill in the art would not take a well matched symmetrical N-state band pass and destroy the symmetry thereof by removing any of electronic components. The argument is not persuasive because it is not necessary for one skill in the art to remove any components from the circuit of Zou to interpret the present invention as recited in the claims, i.e., the limitation "a series circuit being "formed" of a capacitor, a first parallel LC element, a second capacitor and an inductor" recited in claims 1 and 5 are anticipated by Figure 4 of Zou. The phrase "formed of" in the rejected claims is equivalent to the word "comprising" so that it does not prevent one skill in the art from a broadly interpretation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

Art Unit: 2816

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Din. Led whose telephone number is (703) 305-3790. The examiner can normally be reached on Monday to Friday from 7:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DINH LE  
Primary Examiner  
Art Unit: 2816

July 30, 2001